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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,130

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Ryosuke Miyamoto

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FITZPATRICK CELLA HARPER & SCINTO

1290 Avenue of the Americas

NEW YORK, NY 10104-3800

EXAMINER

ZHU, RICHARD Z

ART UNIT

PAPER NUMBER

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DELIVERY MODE

12/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,130	Applicant(s) MIYAMOTO, RYOSUKE	
	Examiner RICHARD Z. ZHU	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7,12,17 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-7, 12, 17 and 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/2009 has been entered.

Status of the Claims

2. Claims 1, 3, 5-7, 12, 17 and 20-27 are pending.

Response to Applicant's Arguments

3. **In response to** “However, Applicant submits that neither Furukawa or Kon, whether taken individually or in combination, disclose or suggest a preparation unit that prepares statistical information concerning the power consumption amount of the image processing apparatus for the specified user identification information calculated by the calculation unit, wherein the preparation unit prepares the statistical information by associating the power consumption amount in the first and second modes with the specified user identification information and not associating the power consumption amount in the power control mode with the specified user identification information, as recited in Claim 1”.

With respect to the underlined feature of the independent claims, the examiner agrees with the applicant. Therefore, previous grounds of rejection are withdrawn. However, upon further consideration, new grounds of rejection are set forth in the instant office action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 6-7, 9, 12, 17, and 19-20 are rejected under 35 USC 103(a) as being unpatentable over *Furukawa (US 6029238 A)* in view of *Kon (JP 06-264651 A)* and *Kajita et al (US 6069706 A)*.

Regarding the apparatus of Claim 1 and therefore the method of Claim 12, *Furukawa* discloses an image processing apparatus (**Fig 1, digital copiers 15 or 16**) having a plurality of operation modes including a first mode for outputting image data read by an image reading unit (**Col 6, Rows 40-55, a image reading part for converting a document into image data**) and a second mode for outputting print data received from outside of the image processing apparatus (**Col 6, Rows 57-65, when the digital copier is in printer mode, a communication controller receives data to be printed over a network**), and a power control mode including a standby mode (**Fig 16, Window 2005, “Standby”**), the image processing apparatus comprising:

a specifying unit (**Fig 4, Hardware Main Controller 61 and Fig 7, Software Printer Manager 305**) that specifies user identification information which identifies at least one of a user that uses the image processing apparatus (**Fig 30, status output of a copier comprising information pertaining to a “User”**) and a department to which the user belongs (**Fig 30, "Dealer"**);

a timing unit that times an operation time for each of the plurality of operation modes and for the user identification information specified by said specifying unit during operation of the image processing apparatus (**Fig 20, timing in minutes for the duration of Printer Mode, Fig 21, timing in minutes for the duration of Fax mode which comprises the function of scanning. This is perform by the CPU of the printer, see Col 14, Rows 54-63**);

a calculation unit that calculates a power consumption amount of the image processing apparatus for the specified user identification information (**Fig 30, “Consumptive Power” and “User” in view of Col 21, Rows 55-56. Because the CPU is disclosed to be in control of everything, the CPU is presumed to have made the calculations as shown on Fig 30**);

a memory unit that stores a power consumption status information for said each of the plurality of operation modes (**Col 7, Rows 5-10 and Col 16, Rows 33-36 in view of Fig 30. For example, information pertaining to "Consumptive Power" associated with the mode "Both Side Copy" is recorded and transmitted to an external host computer.**

Presumably, the information is created and stored in a memory associated with the CPU);

a preparation unit that prepares statistical information concerning the power consumption status information of the image processing apparatus for the specified user identification information calculated by said calculation unit wherein said preparation unit prepares the statistical information by associating the power consumption amount in the first and second modes with the specified user identification information (**Fig 7, Printer Manager 305 and see Col 9, Rows 3-14, the printer manager sends status information, such as the table in Fig 30, to host computer when requested to do so by the host computer or within a predetermined time period**);

an output unit that, when the user identification information is specified by said specifying unit, performs output of the statistical information for the specified user identification information prepared by said preparation unit (**Fig 4, Communication Controller 70 and see Col 6, Rows 57-65 for receiving and transmitting information from and to outside clients**).

Furusawa does not disclose a calculation unit that calculates a power consumption amount of the image processing apparatus for the specified user identification information by multiplying the power consumption amount per unit time stored by a memory unit and the operation times timed by said timing unit.

Kon discloses an image processing apparatus having a plurality of operation modes **(Paragraph 8, Printer 6, having operation modes A, B, C, and D, see Paragraph 16)** comprising:

a timing unit that times an operation time for each of the plurality of operation modes and an operation time for an operator during operation of the image processing apparatus **(Paragraph 19, timer controlling section 16 and see Drawing 2, Paragraphs 16 and 21, measuring an operation time for each of the modes specified by an operator during the execution of said modes);**

a memory unit that stores a power consumption amount per unit time for each of the plurality of operation modes **(Paragraph 21, RAM 15 stores power consumption for each of the modes A, B, C, and D);**

calculation unit that calculates a power consumption amount of the image processing apparatus for the specified operator based on the power consumption amount per unit time stored by said memory unit and the operation times timed by said timing unit **(Paragraph 16, printing controller 11 and see paragraph 22, calculate total power consumption on the basis of time and power consumption per unit time or watts per second);**

preparation unit that prepares statistical information concerning the power consumption amount of the image processing apparatus calculated by said calculation unit **(Drawing 3 and see Paragraph 22, statistical information involving the total cost of power consumption used by the printer during its operation. This is done by printing controller 11);**

It would've been obvious to one of ordinary skill in the art at the time of the invention to modify the digital copier of *Furusawa* to have the functions of the timing unit, memory unit, calculation unit, and preparation unit as taught by *Kon* that would result in a real time measurement of power consumption of a printer associated with a specified user identification information when its operating in its plurality of modes such as reading mode and printing mode whereas the motivation would've been to collect information about power consumption of the image processing apparatus in order to be employed by a system manager for the purpose of energy saving (*Kon*, Paragraphs 3-4).

The teachings as combined do not suggest that the preparation unit prepares the statistical information by not associating the power consumption amount in the power control mode with the specified user identification information.

However, *Kajita* teaches an image processing apparatus comprising a memory (**Fig 16, see Col 16, Rows 30-42 and Col 17, Rows 16-23**) for managing device information and user/client information (**Fig 18 and see Col 17, Row 55 - Col 18, Row 3**) to be associated with operations performed in a plurality of image processing modes (**Fig 19, Col 18, Rows 8-44, for example, in scanning, image data are scanned and associated with the client on the basis of the stored information pertaining to the client**). When a current user who is currently registered with the apparatus via an external host does not operate the apparatus for a long period of time, the apparatus releases the external host and therefore its registered status and thereafter goes into a power control mode such as a standby mode (**Col 26, Rows 1-8**).

According to *Kajita*, holding access to an external host is meaningless when the apparatus is in power control modes (**Col 25, Rows 55-60**), one of ordinary skill in the art at the time of the invention would've modify the apparatus of *Furusawa* with this feature such that an external user's access to the apparatus is released along with the specified user identification information when the image processing apparatus enters into standby mode. The motivation, as suggested by *Kajita*, it is simply meaningless to hold a user as a registered user if the apparatus is not being used by the user.

The Supreme Court has held that in analyzing the obviousness of combining elements, a court need not find specific teachings, but rather may consider "the background knowledge possessed by a person having ordinary skill in the art" and "the inferences and creative steps that a person of ordinary skill in the art would employ." See *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007). In view of the suggestions and teachings of *Kajita*, one of ordinary skill in the art at the time of the invention would've predictable arrive at the conclusion that it would've been advantageous to release a registered user from accessing the image processing apparatus if it is not being used. In this case, when status information is being requested by other external hosts while the apparatus is in standby, the information according to Fig 30 to be send to the requesting external host would not be associated with specified user identification information because the apparatus has recently released the previous user, an inference a person of ordinary skill in the art would've predictably arrive in.

Regarding the computer program on a computer readable medium, *Furusawa* discloses a program implemented by CPU on a program memory (**Col 7, Rows 5-10**).

Regarding Claims 3 and 22, *Furukawa* discloses management unit that manages user identification information by associating the user identification information with power consumption status information (**Fig 30**).

Kon discloses the preparation unit prepares the statistic information based on the timed operation times (**Drawing 2 and see Paragraphs 9+19**), the power consumption amount per unit time for said each of the plurality of operation modes (**Paragraph 22, collecting power consumption on the basis of watt/second**).

Furukawa as modified by ***Kon*** would have an apparatus that manages user identification information by associating user identification information representing said operator or user with power consumption statistics that includes operation times timed by the timing means with respect to all the requests made by said operator in order to minimize power consumption. For example, instead of the simple statistics pertaining to power consumption of the current mode as shown in Fig 30, the modification would encompass power consumption of all modes as shown in Drawing 3 of ***Kon***.

Regarding Claims 6 and 24, *Furukawa* discloses the image processing apparatus wherein the first mode is a copy mode (**Col 6, Rows 40-56**) and the second mode is a printer mode (**Col 7, Rows 12-20**).

Regarding Claims 7 and 25, *Furukawa* discloses wherein said output unit outputs the prepared statistical information concerning power consumption to a display unit during designated processing for designating the operation mode or during execution of the operation mode (**Col 7, Rows 50-53, LCD 64 to display digital copier status**).

Regarding Claim 9, *Furukawa* discloses an information processing apparatus capable of communicating with the image processing apparatus (Fig 1, Host Computers connected to Digital Copiers).

Regarding Claims 19 and 27, *Furukawa* discloses wherein, when the user identification information is specified by said specifying unit (Col 13, Rows 43-67, the host computer sends a MAC address identifying itself to the digital copier so that an image reader manager within the digital copier is able to send its status to the host computer. In view of Fig 30, it can be seen that user identification and corresponding power consumption is indicative of that fact that statistical information are compiled according to specified user identification information), said output unit performs the output of the statistical information prepared for the specified user identification information and the statistical information prepared for other user identification information (Col 9, Rows 3-13 in view of Fig 1, Host Computers WS1 and WS2. If each host computer has a distinct user, then the status update to respective computers would've been prepared in accordance to respective user identification information).

Regarding Claims 20 and 26, *Furukawa* discloses wherein said preparation unit does not add, to the statistical information for any user identification information, the power consumption amount during at least one of a standby mode and a sleep mode (Fig 25, no power consumption information during copier status "FAX", at least a standby mode for the copier. "Halt" corresponds to sleep mode).

Regarding Claim 21, *Furukawa* discloses an output unit that, when the user identification information is specified by said specifying unit, performs output of the statistical information for the specified user identification information prepared by said preparation unit (Fig 4, Communication Controller 70 and see Col 6, Rows 57-65 for receiving and transmitting information from and to outside clients).

6. Claims 5 and 23 are rejected under 35 USC 103(a) as being unpatentable over the combined teachings of *Furukawa (US 6029238 A)* and *Kon (JP 06-264651 A)* in view of *Kajita et al (US 6069706 A)* and *Alsop (US 6795829 B2)*.

***Furukawa* discloses sending prepared statistic information concerning power consumption to a terminal apparatus external to the information processing apparatus (Col 9, Rows 3-13, printer manager 305 sends status information to the host computers).**

However, said combined teachings does not wherein said output means sends the statistical information to a terminal apparatus external to said image processing apparatus as a markup language.

***Alsop* discloses in Fig 1, a central computer 2 that act as a fulcrum to exchange information with various devices in a network. Furthermore, *Alsop* discloses in (Col 4, Rows 20-25) that markup language HTML can be employ as the protocol to communicate information over the network to an external terminal apparatus (Fig 1).**

***Alsop* is the field of communicating information comprising user identification, power consumption, time value, and etc (Fig 2 and Fig 3) to external terminal apparatus.**

It would've been obvious to one of ordinary skill in the art at the time of the invention to configure the output means of the combined teachings to communicate statistical information to a terminal apparatus using markup language as suggested by *Alsop* in order to properly communicate information over a network or server.

Therefore, it would've been obvious to combine *Alsop* with the combined teachings to attain the invention of Claim 5.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Richard Z. Zhu whose telephone number is 571-270-1587 or examiner's supervisor King Y. Poon whose telephone number is 571-272-7440. Examiner Richard Zhu can normally be reached on Monday through Thursday, 6:30 - 5:00.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RZ²

/Richard Z. Zhu/

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Assistant Examiner
Art Unit 2625

/King Y. Poon/

Supervisory Patent Examiner, Art Unit 2625